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17 IN THE UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA, Plaintiff,
20 v.
21 Esam ALI (1), and Defendants.
22 Fawaz ALI (2),

23 CASE NO. 1:20-CR-00130-JLT-SKO
24 STIPULATION REGARDING EXCLUDABLE
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;
26 FINDINGS AND ORDER
27 DATE: July 18, 2023
28 TIME: 10:00 a.m.
COURT: Hon. Jennifer L. Thurston

17 This case is set for Jury Trial on July 18, 2023.

18 As set forth below, the parties now request, by stipulation, that the Court continue the trial date
19 to February 6, 2024 for continued defense preparation and investigation, and exclude time between the
20 date of the Court's Order through and including February 6, 2024 under the Speedy Trial Act.

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22 **STIPULATION**

23 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
24 through defendants' counsel of record, hereby stipulate as follows:

25 1. By previous order, this matter was set for Jury Trial on July 18, 2023.
26 2. By this stipulation, defendants now move to continue the Trial Date to February 6, 2024
27 for continued defense preparation and investigation, and to exclude time between date of the Court's
Order, and February 6, 2024, under Local Code T4.

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1 3. The parties agree and stipulate, and request that the Court find the following:

2 a) In January 2022, the undersigned government counsel substituted into this case.

3 b) The government has represented that the discovery associated with this case is

4 voluminous and includes many thousands of hours of reports, financial records, and computer

5 forensics evidence. All of this discovery has been either produced directly to counsel and/or

6 made available for inspection and copying.

7 c) Counsel for defendant desires additional time consult with his/her client, to

8 review the current charges, to conduct further investigation and research related to the charges, to

9 review discovery, to discuss potential resolution with government counsel, to evaluate potential

10 pretrial motions.

11 d) Counsel for defendant believes that failure to grant the above-requested

12 continuance would deny him/her the reasonable time necessary for effective preparation, taking

13 into account the exercise of due diligence.

14 e) The government does not object to the continuance.

15 f) Based on the above-stated findings, the ends of justice served by continuing the

16 case as requested outweigh the interest of the public and the defendant in a trial within the

17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,

19 et seq., within which trial must commence, the time period of date of the Court's Order to

20 February 6, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)

21 [Local Code T4] because it results from a continuance granted by the Court at defendant's

22 request on the basis of the Court's finding that the ends of justice served by taking such action

23 outweigh the best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 25, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JEFFREY A. SPIVAK
JEFFREY A. SPIVAK
Assistant United States Attorney

Dated: May 25, 2023

/s/ Carol Moses
Carol Moses
Counsel for Defendant
Esam ALI (1)

Dated: May 25, 2023

/s/ David Balakian
David Balakian
Counsel for Defendant
Fawaz ALI (2)

FINDINGS AND ORDER

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: May 26, 2023

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE